

PATENT
455610-2490REMARKS

In light of the above amendatory matter and remarks to follow, entry of the above amendments and reconsideration and allowance of this application are respectfully requested.

At paragraphs 3-4 of the outstanding office action, the Examiner has rejected claims 15 and 46 under 35 USC 112 as failing to comply with the enablement requirement, Applicants ^{have} ~~has~~ amended these claims, as well as claims 16, 17, 18, 47, 48 and 49 in order to cure the typographical error reversing the final recitations of "third" and "second." Applicants request that the rejection of these claims under 35 USC 112 be withdrawn.

At paragraphs 6-7 the Examiner has rejected claims 3-5 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as their invention. Applicants have amended claim 3 as suggested by the Examiner to cure the noted defect in the claim. Applicants request that the rejection of these claims under 35 USC 112 be withdrawn.

At paragraphs 8-19 of the outstanding office action the Examiner has rejected claims 1-3, 10-15, 17, 18, 20, 45, 46, 48, 49 and 51 under 35 USC 102(b) as being anticipated by Rogers (US Patent No. 5,497,500). Applicants respectfully traverse the rejection.

Applicants have amended each of independent claims 1, 14 and 45 to recite what Applicants believe was implicit in the claims -- that it is the oscilloscope that is generating and displaying the processing web, not an external controlling device. Thus, the oscilloscope allows a user to manage processing therein based upon manipulation of a graphical user interface thereon. The controlled apparatuses are all recited as being part of the oscilloscope, and now the claims explicitly recite that the processing web is generated by the oscilloscope.

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The portions of the Rogers reference relied upon by the Examiner do not teach such an apparatus. Rather, a computer is provided for controlling various external devices through a communication protocol, such as the suggested GPIB interface. Rogers teaches a control computer for controlling a number of stand alone devices, rather than an oscilloscope that allows a user to graphically configure data processing in that oscilloscope. While at column 11, lines 14-28 of Rogers there is a suggestion that some of the elements may be included within the computer, even this description falls short of the claimed oscilloscope. Indeed, even if implemented as disclosed, Rogers' graphical system is still used to control a number of units, and does not give control of processing within an oscilloscope.

Therefore, because the portions of the Rogers reference relied upon by the Examiner fail to teach the invention as set forth in amended independent claims 1, 14 and 45, Applicants submit that these claims are allowable over the cited prior art. Furthermore, the remainder of the rejected claims depend, either directly or indirectly from one of these independent claims, and for this reason alone, as well as presenting independently patentable combinations, likewise are allowable over Rogers.

Applicants therefore respectfully request that the rejection of claims 1-3, 10-15, 17, 18, 20, 45, 46, 48, 49 and 51 under 35 USC 102(b) be withdrawn.

At paragraphs 21-31 of the outstanding office action the Examiner has rejected claims 4-9, 19, 21, 50 and 52 under 35 USC 103(a) as being unpatentable over Rogers in view of Zink (US Patent No. 6,738,964). Applicants respectfully traverse the rejection.

Claims 4-9, 19, 21, 50 and 52 depend, either directly or indirectly from one of allowable independent claims 1, 14 and 45, and are therefore allowable for this reason alone. Furthermore, as set forth in the Abstract of Zink et al., Zink's invention is:

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A graphical solutions development system using placement of blocks representing hardware/software functionality on a computer screen drawing and connecting the blocks by wires representing data and control flow to create application programs or hardware design. The blocks are instances of development components that include intelligence for optimization within a detected environment. This permits effective programming of digital signal processors and system design by users not expert in digital signal programming and system design.

Therefore, the system of Zink et al. is for use in a development process. While Zink's blocks provided for manipulation may represent a potential hardware component, there is no functioning hardware system that the processing web controls. Rather than allowing for processing web based software control of a hardware system, as in Applicants' claimed invention, Zink et al. merely provides a hardware simulation environment where potential connections and designs can be tried out. There is no teaching in any of the portions of Zink et al. cited by the Examiner that discusses the applicability of the generated software environment to control a functioning hardware environment. Therefore, because Zink does not cure the defects of Rogers (i.e. neither Rogers nor Zink depicts an oscilloscope that allows control of the internal functionality of that oscilloscope), Applicants submit that the combinations set forth by claims 4-9, 19, 21, 50 and 52 are not shown by Rogers in combination with Zink.

Applicants therefore respectfully request that the rejection of claims 4-9, 19, 21, 50 and 52 under 35 USC 103(a) be withdrawn.

At paragraphs 30-31 the Examiner has rejected claims 16 and 47 under 35 USC 103(a) and being unpatentable over Rogers. Applicants respectfully traverse the rejection.

Claims 16 and 47 depend from independent claims 14 and 45, respectively, and are therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in their own right. Applicants therefore respectfully request that the rejection of claims 16 and 47 under 35 USC 103(a) be withdrawn.

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CONCLUSION

Applicants have made a diligent effort to place claims 1-21 and 45-52 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to enter the above claim amendments and issue a Notice of Allowance at this time, it is respectfully requested that the Examiner contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,
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